

**No. 2013-1665, -1666, -1667**

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**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

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ADJUSTACAM, LLC,

*Plaintiff-Appellant,*

v.

NEWEGG, INC., NEWEGG.COM, INC. and ROSEWILL, INC.,

*Defendants-Cross-Appellants,*

and

SAKAR INTERNATIONAL, INC.,

*Defendant-Cross-Appellant*

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS IN CASE NO. 10-CV-0329,  
CHIEF JUDGE LEONARD DAVIS

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**CROSS-APPELLANTS NEWEGG INC., NEWEGG.COM INC. AND  
ROSEWILL INC.'S NOTICE OF POST-JUDGMENT MOTION**

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NEWEGG INC., NEWEGG.COM INC.  
and ROSEWILL INC.

October 1, 2013

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Cross-Appellants Newegg Inc., Newegg.com Inc. and Rosewill Inc. hereby notify the Court that a post-judgment motion is currently pending before the trial court.

On August 20, 2013 the trial court entered Final Judgment (Dkt. No. 762). On September 5, 2013, Cross-Appellants filed their Motion (Dkt. No. 763) to Correct or, in the Alternative, Amend the trial court's Final Judgment to include an award of taxable costs to Newegg Inc., Newegg.com Inc. and Rosewill Inc. By that motion, Cross-Appellants seek relief pursuant to Federal Rule of Civil Procedure 60(a) or, in the alternative, Federal Rule of Civil Procedure 59(e).

Cross-Appellants' September 5 motion is a post-judgment motion listed in Rule 4(a)(4)(A)<sup>1</sup>; therefore, the notices of appeal subsequently filed on September 17, 2013 (Dkt. Nos. 764 & 765) and September 18, 2013 (Dkt. No. 768) shall become effective when the district court disposes of that motion. FRAP 4(a)(4)(B)(i).

Based on the foregoing, Cross-Appellants respectfully request that the Clerk deactivate this appeal to allow the district court to rule on the post-judgment motion currently pending before the district court.

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<sup>1</sup> Specifically, the motion is both a motion "to alter or amend the judgment under Rule 59," FRAP 4(a)(4)(A)(iv), and a motion "for relief under Rule 60 ... filed no later than 28 days after the judgment is entered," FRAP 4(a)(4)(A)(vi).

DATED this 1<sup>st</sup> day of October, 2013.

/s/ Dana M. Herberholz

JOHN N. ZARIAN

DANA M. HERBERHOLZ

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